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13 ANDREW ROSS

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 ANDREW D. ROSS, an individual,

17 Plaintiff,

18 vs.

19 OCTAGON, INC., a Washington, D.C.
20 corporation,

21 Defendant.

Case No.: 3:14-cv-04415 JST

**STIPULATION AND ~~[PROPOSED]~~ ORDER
ALTERING BRIEFING SCHEDULE ON
DEFENDANT'S MOTION TO DISMISS
FOR LACK OF JURISDICTION**

Complaint Filed: 10/01/2014

DEMAND FOR JURY TRIAL

22 Plaintiff ANDREW D. ROSS ("Ross") and Defendant OCTAGON, INC. ("Octagon")
23 (each individually a "Party" and jointly referred to as "the Parties"), by and through their respective
24 counsel, hereby stipulate and agree as follows:

25 **WHEREAS** on October 28, 2014 Defendant Octagon, Inc. filed its Motion to Dismiss
26 Pursuant to Fed. R. Civ. P. 12(B)(1) Or To Transfer Pursuant To 28 U.S.C. § 1404(A) (Motion to
27 Dismiss") [Dkt. 8] which set the date for Plaintiff's opposition to the Motion to Dismiss on
28 November 12, 2014,

1 **WHEREAS** on October 29, 2014, Plaintiff Ross filed a declination to proceed before
2 Magistrate Judge Laurel Beeler [Dkt. 12],

3 **WHEREAS** on October 30, 2014, Court Clerk Richard W. Wieking issued an Order
4 [Dkt. 14] advising the parties that pursuant to the case's reassignment to Judge Jon S. Tigar, "All
5 dates presently scheduled are vacated and motions should be re-noticed for hearing before the
6 judge to whom the case has been reassigned. Briefing schedules, including ADR and other
7 deadlines remain unchanged",

8 **WHEREAS** on November 13, 2014, Defendant Octagon, Inc. filed its Re-Notice of
9 Motion and Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(B)(1) Or To Transfer Pursuant To
10 28 U.S.C. § 1404(A), for hearing on December 18, 2014 [Dkt. 16],

11 **WHEREAS** upon receipt of Defendant's re-notice of the Motion to Dismiss, Plaintiff
12 discovered that a clerical error had resulted in the original opposition date of November 12, 2014
13 being removed from the firm's litigation calendar, along with the previously vacated December
14 18, 2014 hearing date,

15 **WHEREAS** no Party shall be prejudiced by this stipulation,

16 **IT IS STIPULATED AND AGREED** by the Parties that Plaintiff shall be granted an
17 extension of time to file his opposition to the Motion to Dismiss. Plaintiff's opposition shall be
18 filed on or before November 21, 2014. Defendant's reply in support of the Motion to Dismiss
19 shall be filed on or before December 4, 2014. .

20
21 DATED: November 17, 2014

LOUDERBACK LAW GROUP

22 By: /s/ Charles M. Louderback

Charles M. Louderback

23 Stacey L. Pratt

24 Edward J. Donnelly

25 Attorneys for Plaintiff

26 ANDREW D. ROSS

1 DATED: November 17, 2014

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

3 By: /s/ Timothy L. Reed

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11 Attorneys for Defendant
12 OCTAGON, INC.

13 **ORDER**

14 Having considered the Stipulation regarding the parties' agreement to allow an extension
15 of time for Plaintiff Andrew D. Ross to file an opposition to Defendant Octagon, Inc.'s Motion
16 to Dismiss Pursuant to Fed. R. Civ. P. 12(B)(1) Or To Transfer Pursuant To 28 U.S.C. §
17 1404(A), the Court hereby **GRANTS** the extension of time. Plaintiff shall file his opposition to
18 the motion on or before November 21, 2014. Defendant shall file its reply in support of the
19 motion on or before December 4, 2014.

20 **IT IS SO ORDERED.**

21 DATED: November 20, 2014

